

REMARKS

Claims 2 and 4-18 are pending in this application. By this Amendment, claims 2 and 4-18 have been amended and claims 1, 3, and 19-22 have been canceled without prejudice to, or disclaimer of, the subject matter found therein. Also, the Abstract has been amended to remove reference numbers found therein. No new matter has been added.

Applicants appreciate the courtesies shown to Applicant's representative by Examiner Avery in the June 29 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Applicants appreciate the indication of allowability for claims 4-10 and 13-18 in paragraph 9, on page 4 of the Office Action. However, for the reasons discussed below, Applicants submit that all of claims 2 and 4-18 are allowable.

In paragraph 2, on page 2 of the Office Action, claims 1-22 were rejected under 35 U.S.C. §112, second paragraph. As agreed at the interview, the amendments to claims 2 and 4-18 overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

Also, as agreed at the interview, claim 18 includes allowable subject matter and is rewritten into independent form to include the features of claim 1. Thus, as agreed by the Examiner, claim 18 is allowable.

In paragraph 8, on page 3 of the Office Action, claims 1-3, 11, 12, and 19-22 were rejected under 35 U.S.C. §102(b) over Yamaguchi, U.S. Patent No. 5,823,282. The rejection is respectfully traversed.

At the interview, Applicants' representative discussed the differences between claims 2 and 12 and the disclosure of Yamaguchi. As agreed at the interview, Yamaguchi fails to disclose a controller that, when a starter switch for starting the power output apparatus is an ON operation and a predetermined condition for temperature status in the power output

apparatus is fulfilled in an operation stop state of the internal combustion engine, controls actuation of the rotating shaft motor to drive the lubricating oil feed pump with the power output to the output shaft of the internal combustion engine via the three-shaft-type power input output mechanism, as recited in claim 2.

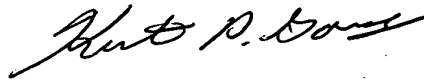
Also, as agreed at the interview, Yamaguchi fails to disclose a controller that, when a condition that the drive shaft motor is outputting power to the drive shaft is fulfilled and a predetermined condition for either one of temperature status in the power output apparatus and revolving status in the power output apparatus is fulfilled in an operation stop state of the internal combustion engine, controls actuation of the rotating shaft motor to drive the lubricating oil feed pump with the power output to the output shaft of the internal combustion engine via the three-shaft-type power input output mechanism, as recited in claim 12. Thus, as agreed by the Examiner, claims 2 and 12 patentably distinguish over Yamaguchi.

Because Yamaguchi does not anticipate or suggest the features as recited in claim 2, Yamaguchi cannot possibly anticipate or suggest the subject matter of claim 11, which depends from claim 2, for the reasons discussed with respect to claim 2 and for the additional features recited therein. Thus, as agreed at the interview, claim 11 is distinguishable over Yamaguchi. As to the §102 rejection of claims 1, 3, and 19-22, the cancellation of claims 1, 3, and 19-22 makes the §102 rejection moot.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2 and 4-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Amended Abstract

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